

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #11	CCRB Case #: 201707931	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/15/2017 6:00 AM	Location of Incident: § 87(2)(b) 60th Precinct Stationhouse	Precinct: 60	18 Mo. SOL 2/15/2019	EO SOL 2/15/2019	
Date/Time CV Reported Tue, 08/15/2017 12:44 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/25/2017 1:01 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Richard Thompson	05977	902473	WARRSEC
2. DT2 Joseph Condello	07746	911900	WARRSEC
3. SDS Christophe Castle	03409	928041	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Omar Bostic	2282	938096	060 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT2 Joseph Condello	Abuse: Detective Joseph Condello entered § 87(2)(b), in Brooklyn.	§ 87(2)(b)
B.SDS Christophe Castle	Abuse: Sergeant Christophe Castle entered § 87(2)(b), in Brooklyn.	§ 87(2)(b)
C.DT2 Richard Thompson	Abuse: Detective Richard Thompson entered § 87(2)(b), in Brooklyn.	§ 87(2)(b)
D.DT2 Joseph Condello	Abuse: Detective Joseph Condello searched § 87(2)(b), in Brooklyn.	§ 87(2)(b)
E.SDS Christophe Castle	Abuse: Sergeant Christophe Castle searched § 87(2)(b), in Brooklyn.	§ 87(2)(b)
F.DT2 Richard Thompson	Abuse: Detective Richard Thompson searched § 87(2)(b), in Brooklyn.	§ 87(2)(b)
G.DT2 Richard Thompson	Force: At § 87(2)(b), in Brooklyn, Detective Richard Thompson used physical force against § 87(2)(b).	§ 87(2)(b)
H.DT2 Joseph Condello	Force: At § 87(2)(b), in Brooklyn, Detective Joseph Condello used physical force against § 87(2)(b).	§ 87(2)(b)
I.SDS Christophe Castle	Force: At § 87(2)(b), in Brooklyn, Sergeant Christophe Castle used physical force against § 87(2)(b).	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
J.SDS Christophe Castle	Abuse: At the 60th Precinct stationhouse, in Brooklyn, Sergeant Christophe Castle did not obtain medical treatment for § 87(2)(b)	
K.DT2 Richard Thompson	Abuse: At the 60th Precinct stationhouse, in Brooklyn, Detective Richard Thompson did not obtain medical treatment for § 87(2)(b)	
L.DT2 Joseph Condello	Abuse: At the 60th Precinct stationhouse, in Brooklyn, Detective Joseph Condello did not obtain medical treatment for § 87(2)(b)	

Case Summary

On August 15, 2017, Sgt. Christopher Castle of the Warrants Section reported this complaint to IAB over the phone on behalf of § 87(2)(b). This case was received at the CCRB on September 25, 2017 and assigned to former investigator Benjamin Wurtzel. On October 17, 2017, § 87(2)(g). This case was reopened for investigation on May 7, 2019. The case was reassigned to the undersigned investigator on May 22, 2019.

On August 15, 2017, at approximately 6:00 a.m., Sgt. Castle, Det. Joseph Condello, and Det. Richard Thompson, of the Warrants Section, went to § 87(2)(b)'s apartment, located at § 87(2)(b) in Brooklyn, with an I-Card for § 87(2)(b). Det. Condello knocked on the door and § 87(2)(b)'s wife § 87(2)(b) answered the door. Det. Condello, Sgt. Castle, and Det. Thompson entered the apartment (**Allegations A through C: Abuse of Authority**, § 87(2)(g). Det. Thompson, Sgt. Thomas, and Det. Condello searched the apartment for § 87(2)(b) and found him asleep in a bedroom (**Allegation D through F: Abuse of Authority**, § 87(2)(g). Det. Thompson, Sgt. Castle, and Det. Condello used physical force to apprehend § 87(2)(b) (**Allegations G through I: Force**, § 87(2)(g). Det. Thompson punched § 87(2)(b) in the eye (**subsumed under Allegation G**). The arrested § 87(2)(b) and removed him to the 60th Precinct stationhouse.

At the 60th Precinct stationhouse, § 87(2)(b) asked Det. Condello, Sgt. Castle and Det. Thompson for medical attention, and they allegedly offered him cigarettes if he did not go to the hospital (**Allegations J through L: Abuse of Authority**, § 87(2)(g). Allegedly, Det. Omar Bostic, of the 60th Precinct Detective Squad, instructed Det. Condello, Sgt. Castle, and Det. Thompson to remove § 87(2)(b) to the hospital. § 87(2)(b) was transported to § 87(2)(b), and was diagnosed with a fractured orbital bone.

There was no video footage of this incident.

IAB Group 54 investigated this incident under Log #2017-31378 (Board Review 01). The IAB investigation found the excessive use of force allegation to be unsubstantiated.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Joseph Condello entered § 87(2)(b), in Brooklyn.

Allegation (B) Abuse of Authority: Sergeant Christopher Castle entered § 87(2)(b), in Brooklyn.

Allegation (C) Abuse of Authority: Detective Richard Thompson entered § 87(2)(b), in Brooklyn.

It is undisputed that Det. Condello, Det. Castle, and Det. Thompson entered § 87(2)(b), in Brooklyn. It is undisputed that the officers did not have a search warrant or arrest warrant. It is disputed whether or not § 87(2)(b) voluntarily consented to the officers' entry into the apartment.

§ 87(2)(b) (Board Review 02) was asleep in his bedroom in the back of the three-bedroom apartment. § 87(2)(b) did not hear when officers entered the apartment. § 87(2)(b) learned from § 87(2)(b) that she answered the door for officers, but § 87(2)(b) did not learn what occurred at the door.

§ 87(2)(b) (Board Review 03) stated that she was getting ready for work when her dog started making noise by the door to the apartment. § 87(2)(b) walked over and looked through the peephole to see a group of seven or eight officers outside. The officers lightly tapped on the door and § 87(2)(b) opened it. The officers walked into the apartment immediately when § 87(2)(b) opened the door without asking for permission to enter. She did not protest to the officers' presence in the apartment.

Det. Condello (Board Review 04) stated that, prior to going to § 87(2)(b), in Brooklyn, he conducted a tactical meeting with Sgt. Castle, Det. Thompson, and members of the New York/New Jersey Regional Fugitive Task Force. The Regional Fugitive Task Force includes members from approximately nine other law enforcement agencies. Det. Condello did not recall who else was present on the date of this incident. Det. Condello was assigned to the apprehension of § 87(2)(b) and there was an I-Card with probable cause to arrest him for attempted murder. Det. Condello believed that § 87(2)(b) would be at § 87(2)(b), in Brooklyn, at the time of this incident because all the computer checks that he conducted showed that § 87(2)(b)'s prior arrests were in that area, and that was the address he used as his permanent residence. Det. Condello did not remember the number of times § 87(2)(b) had been apprehended in the area or how recently he had been arrested within the confines of the precinct of occurrence.

Sgt. Castle (Board Review 05) did not remember the manner in which § 87(2)(b) invited the officers into the apartment or if she stated that she did not want the officers to enter it.

The only additional known witness to these allegations was New York State Police Investigator John Kurzhels, who was identified by the investigation as a witness of this incident during Det. Thompson's interview on January 21, 2020 (nearly 30 months after the incident). § 87(2)(g)

The I-Card (Board Review 07) noted § 87(2)(b)'s last known address as § 87(2)(b), in Brooklyn. Det. Bostic generated the I-Card with probable cause to arrest § 87(2)(b) on August 10, 2017.

§ 87(2)(g)

Allegation (D) Abuse of Authority: Detective Joseph Condello searched § 87(2)(b)
§ 87(2)(b), in Brooklyn.

Allegation (E) Abuse of Authority: Sergeant Christopher Castle searched § 87(2)(b)
§ 87(2)(b), in Brooklyn.

Allegation (F) Abuse of Authority: Detective Richard Thompson searched § 87(2)(b)
§ 87(2)(b) in Brooklyn.

It is undisputed that § 87(2)(b) told the officers where § 87(2)(b) was inside the apartment § 87(2)(g)

As noted above § 87(2)(b) stated that he was asleep and did not realize the officers were inside his apartment until the officers were physically attempting to apprehend him.

§ 87(2)(b) stated that she spoke with the officers in her kitchen once they entered the apartment. Initially, § 87(2)(b) denied § 87(2)(b) was in the apartment. When the officers told her that they could contact the New York City Housing Authority, which § 87(2)(b) did not want them to do because the apartment belonged to her mother, § 87(2)(b) asked the officers why they needed § 87(2)(b) and the officers said they needed to question him. § 87(2)(b) proceeded to tell the officers § 87(2)(b)'s location within the apartment.

§ 87(2)(g)

Det. Condello stated that, at the entrance of the apartment, § 87(2)(b) pointed to a bedroom located towards the back of the apartment and stated, "He's back there in that bedroom, go get him," Det. Condello viewed this as consent to enter in search of § 87(2)(b)

Sgt. Castle stated that, once the officers were inside the apartment, Det. Condello spoke with § 87(2)(b) Sgt. Castle could not hear what they were saying. Sgt. Castle received some form of communication, either a hand sign or a message from an unidentified member of the task force indicating that § 87(2)(b) was inside the apartment. § 87(2)(b) stated that § 87(2)(b) was in one of the bedrooms. Sgt. Castle and the other officers went down the hallway. The first bedroom on the right had the door open and it appeared at first glance that no one was inside. Sgt. Castle continued down the hallway to the second bedroom, where he spoke with an unidentified individual who was not § 87(2)(b) Sgt. Castle heard a commotion coming from the first bedroom and by the time he returned to it, he observed officers apprehending § 87(2)(b)

Det. Thompson stated that he could not hear the content of Det. Condello and § 87(2)(b)'s conversation aside from § 87(2)(b) stating, "He's in the back bedroom," while pointing towards the back of the apartment. Det. Thompson and New York State Police Investigator Kurzhel walked down the hallway. While in the hallway, Det. Thompson noticed § 87(2)(b) inside a bedroom to his right, lying face down in bed.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Force: At § 87(2)(b), in Brooklyn, Detective

Richard Thompson used physical force against § 87(2)(b)

Allegation (H) Force: At § 87(2)(b) in Brooklyn, Sergeant

Christopher Castle used physical force against § 87(2)(b)

Allegation (I) Abuse of Authority: At § 87(2)(b) in Brooklyn,

Detective Joseph Condello used physical force against § 87(2)(b)

§ 87(2)(b) stated that he was sleeping when he felt tension on his arms and legs from officers grabbing him and lifting him off the bed. While § 87(2)(b) was lifted in the air, an officer struck him in his left eye. § 87(2)(b) was not sure if he was punched or struck with an object. § 87(2)(b) could not see any of the officers or because his room was dark. § 87(2)(b) denied resisting the officers' actions. The officers "slammed" § 87(2)(b) on the floor and placed him into handcuffs. He was then removed to the 60th Precinct stationhouse. § 87(2)(b) did not recall officers issuing any directives to him during his apprehension.

§ 87(2)(b) did not witness the force used by officers.

There were no civilian witnesses to these allegations.

Det. Thompson stated that he entered the bedroom first, followed by New York State Police Investigator Kurzhels. Det. Thompson stated "police" and § 87(2)(b) did not respond. Det. Thompson walked over to § 87(2)(b) pulled the bed sheets down, grabbed § 87(2)(b)'s right arm, and told him that they were the police. § 87(2)(b) was face down and began violently thrashing, moving his arms, and kicking. § 87(2)(b) was resisting being placed into custody and sliding his body around on the bed. Det. Thompson never let go of § 87(2)(b)'s right arm. Additional officers entered the bedroom. Sgt. Castle stood directly to Det. Thompson's left, but Det. Thompson did not know where the other officers were positioned because he was focused on § 87(2)(b). The officers told § 87(2)(b) to stop resisting and put his hands behind his back but he was not complying. Det. Thompson "threw down a strike" trying to hit § 87(2)(b)'s body below the neck and above the belly button, in an effort to gain compliance and apprehend him. Det. Thompson did not know where the strike landed on § 87(2)(b) who was still moving all over the bed. Det. Thompson was able to take his other hand and move it behind his back. The other officers handcuffed § 87(2)(b). Once in handcuffs, § 87(2)(b) stopped resisting. Det. Thompson only struck § 87(2)(b) one time and did not see if other officers struck § 87(2)(b). Det. Thompson transported § 87(2)(b) to the stationhouse.

Sgt. Castle was attracted to the bedroom where § 87(2)(b) was located after hearing a commotion that sounded like a fight or a struggle, with officers giving commands to stop resisting. When Sgt. Castle entered the bedroom, Det. Thompson was positioned near § 87(2)(b)'s upper body, attempting to restrain § 87(2)(b) who was flailing his arms and legs, and refusing to be handcuffed. Sgt. Castle did not recall what Det. Thompson was doing specifically. Sgt. Castle was by § 87(2)(b)'s legs and punched his thighs multiple times to prompt § 87(2)(b) to stop kicking. Sgt. Castle did not recall if other members of the task force used physical force

against § 87(2)(b) Sgt. Castle did not recall seeing any officer punch § 87(2)(b) in the face. After about 20 seconds of struggling with § 87(2)(b) the officers flipped him over and handcuffed him on the bed. Sgt. Castle did not remember § 87(2)(b)'s demeanor after being handcuffed. The officers immediately removed § 87(2)(b) from the apartment after placing him in handcuffs. Sometime after the arrest, Det. Thompson told Sgt. Castle that he punched § 87(2)(b) in the face while trying to restrain him.

Det. Condello stated that he was right behind Det. Thompson and Sgt. Castle when they reached the bedroom § 87(2)(b) was in. § 87(2)(b) repeatedly told the officers, "You ain't taking me." The officers attempted to place § 87(2)(b) into custody, but he violently resisted by throwing punches and kicks. Det. Condello grabbed one of § 87(2)(b)'s arms while he was standing up. Det. Condello was unable to get § 87(2)(b)'s other arm but did not let go of the arm he had. Det. Condello denied using any force aside from grabbing § 87(2)(b)'s arm. Det. Condello did not see Sgt. Castle or Det. Thompson use any force against § 87(2)(b). Det. Thompson eventually got § 87(2)(b)'s other arm and Det. Condello placed him into handcuffs. Det. Condello believed that § 87(2)(b)'s upper body was on the bed and his legs were on the ground when he was finally placed into handcuffs. Det. Condello denied that he punched § 87(2)(b) and he did not see an officer do so.

§ 87(2)(g)

TRI reports were prepared for Det. Thompson and Sgt. Castle (Board Reviews 08 and 09). Det. Thompson's TRI noted that he used a hand strike and wrestling/grappling against § 87(2)(b) which he described as the "necessary and reasonable physical [force] used to restrain and handcuff subject." Sgt. Castle's TRI noted that he only used wrestling/grappling against § 87(2)(b) and had the same described reason for using force.

The ISAR (Board Review 10) noted that the force was being investigated under IAB log #2017-31378.

The IAB investigation (Board Review 01) found the excessive use of force allegations to be unsubstantiated citing insufficient evidence given that there was no video of or witnesses to the force allegations.

The Medical Treatment of Prisoner Report (MTPR) (Board Review 11) prepared by Det. Thompson noted that § 87(2)(b) sustained an injury to his right eye while resisting arrest during apprehension.

§ 87(2)(b)'s medical records (Board Reviews 12 through 17) noted that he was transported to § 87(2)(b) and was diagnosed with a broken orbital bone, which he alleged was a result of being assaulted by officers.

§ 87(2)(g)

Allegation (J) Abuse of Authority: At the 60th Precinct stationhouse, Detective Joseph Condello refused to obtain medical treatment for § 87(2)(b)

Allegation (K) Abuse of Authority: At the 60th Precinct stationhouse, Sergeant Christopher Castle refused to obtain medical treatment for § 87(2)(b)

Allegation (L) Abuse of Authority: At the 60th Precinct stationhouse, Detective Richard Thompson refused to obtain medical treatment for § 87(2)(b)

§ 87(2)(b) stated that, while in the 60th Precinct stationhouse holding cells, he told Det. Condello, Sgt. Castle, and Det. Thompson four times that he needed to go to the hospital because his eye was in a lot of pain. The officers repeatedly offered § 87(2)(b) cigarettes if he said he did not need to go to the hospital. Approximately 10 minutes after § 87(2)(b) first asked to go to the hospital, Det. Bostic came to the cell area and saw § 87(2)(b)'s eye. Det. Bostic told Det. Condello, Det. Thompson, and Sgt. Castle that they needed to take § 87(2)(b) to the hospital. § 87(2)(b) was transported to § 87(2)(b) and diagnosed with an orbital bone fracture. § 87(2)(b) was then transported to § 87(2)(b) to be examined by a specialist.

No civilians witnessed these allegations.

Det. Condello, Sgt. Castle, and Det. Thompson all denied that they ever offered § 87(2)(b) cigarettes in lieu of medical attention. All officers stated that an ambulance was called immediately when § 87(2)(b) requested medical attention.

Det. Bostic denied that § 87(2)(b) ever requested medical attention or complained of pain. Det. Bostic did not remember if § 87(2)(b) ever received medical attention. Det. Bostic was unaware of Det. Condello, Sgt. Castle, and Det. Thompson refusing to obtain medical attention for § 87(2)(b). Det. Bostic did not recall if he ever instructed officers to obtain medical attention for § 87(2)(b).

The Command Log (Board Review 18) noted that § 87(2)(b) arrived at the stationhouse at approximately 6:10 a.m. with a contusion to his right eye and was transported to § 87(2)(b).

The Medical Treatment of Prisoner Report (MTPR) (Board Review 11) prepared by Det. Thompson noted that § 87(2)(b) sustained an injury to his right eye while resisting arrest during apprehension.

Det. Condello's and Det. Thompson's memo books (Board Review 19 and 20) both noted that they arrived at the stationhouse at 6:25 a.m., § 87(2)(b) requested medical attention at 6:30 a.m., and EMS was on scene at 6:45 a.m.

The Prehospital Care Report Summary included in § 87(2)(b)'s medical records from § 87(2)(b), noted that the call was received by EMS at 6:27 a.m.

§ 87(2)(g)

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Civilian and Officer CCRB Histories

- This was the first CCRB complaint to which § 87(2)(b) was a party (Board Review 21).
- Det. Condello has been a member of the service for 26 years and has been the subject of three complaints and nine allegations, none of which were substantiated.
- Sgt. Castle has been a member of the service for 18 years and has been the subject of eight cases and 23 allegations, none of which were substantiated.

